

Application No. 10/053,510
Supplemental Response Under 37 C.F.R. § 1.111 to Office Action dated November 4, 2003

REMARKS

Applicants thank the Examiner for indicating during the telephone conversations conducted on March 19 and March 23, 2004, that the claims are allowable pending an Examiner's amendment to claim 4 to remove recitation of "an amino acid sequence having at least 70% identity to a sequence set forth in SEQ ID NO:8; and an amino acid sequence having at least 90% identity to a sequence set forth in SEQ ID NO:8;" and to recite instead "an amino acid sequence having at least 95% identity to a sequence set forth in SEQ ID NO:8".

Double Patenting

Claims 4-6 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-12 of copending Application No. 10/197,073. The Action contends that, although the conflicting claims are not identical, they are not patentably distinct from each other.

Applicants respectfully submit herewith a copy of a preliminary amendment filed in Application 10/197,073 on March 29, 2004. Applicants note that the amendment removes from claim 11 recitation of SEQ ID NO:4 which is identical to SEQ ID NO:8 of the present application. Therefore, Applicants respectfully submit that the provisional rejection under the judicially created doctrine of obviousness-type double patenting has been obviated and may be properly withdrawn.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

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Applicants respectfully submit that all the claims remaining in the application are now believed allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



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Enclosure:

Postcard

Copy of Preliminary Amendment filed in USAN 10/197,073 (Our Ref. No. 200116.402D2) on March 29, 2004

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